

APPROVED: Meeting No. 15-82

ATTEST:

Helen M. Heneghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 14-82

April 19, 1982

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 19, 1982, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Roger Titus; Assistant City Attorney Paul Glasgow; Assistant City Manager Daniel Hobbs; Budget Officer Anna Lee Berman; Information Officer Sue M. Patterson; Director of Finance John Lawton; Director of Community Development and Housing Assistance Douglas Horne; Director of Planning James M. Davis; Director of Recreation and Parks Ronald Olson; Chief of Police Jared Stout; Director of Public Works Robert Goodin;

Re: City Manager's Report

Mr. Blick reported the following:

1. Yesterday was the dedication of the Woodley Gardens Senior Center. Mr. Blick thanked Mr. Olson and the staff for a wonderful occasion that was certainly enjoyed by the seniors and all others who attended.

2. Tomorrow the Montgomery County Council will consider a resolution modifying the County's revenue sharing to eliminate tax duplication. The formula will include reimbursement for code enforcement and human relations expenses and will share the State's supplemental police aid.

3. A meeting was held on April 15 at City Hall to inaugurate the neighborhood watch program. There are watch programs now operating at Burgundy Knolls and Potomac Woods. The Twinbrook and College Gardens Civic Associations are interested in starting them.

Mayor Hanna reiterated Mr. Blick's words concerning the opening of the senior center and how spectacular it was. He said it seemed to him it was the most enjoyable of all the openings he has ever attended and it will be enjoyed for many years to come. Mayor Hanna particularly thanked Councilwoman Fordham

who served on the revenue sharing committee and was instrumental in bringing about the results mentioned by Mr. Blick in his report. Councilman Freeland noted he has spoken with Councilwoman Spector recently and she said it is her plan to see that the County matches the dollarsto the formula and to see that monies are forwarded to the City fully and promptly.

Re: Award of Contract: Bid No. 46-82
Janitorial Contract for City Hall

Bids were opened on April 13, 1982, at 3:00 p.m. in the Council Chambers of City Hall for janitorial service for City Hall, approximately 34,119 square feet.

Nine bids were received:

Macke Building Services, Washington, D.C.	\$1,382.00 per month
Carefree Cleaning Service, Gaithersburg, Maryland	1,675.00 "
Abacus Corporation, Baltimore, Maryland	1,688.00 "
Apex Maintenance Co., Falls Church, Virginia	1,695.00 "
Maintenance Service Co., Takoma Park, Maryland	1,790.00 "
Stevens & Sons, Rockville, Maryland	1,862.67 "
Potomac Minutemaids, Rockville, Maryland	1,949.00 "
Prudential Building Maintenance, Rockville, Maryland	2,015.00 "
American Building Maintenance Co., McLean, Virginia	2,216.28 "

This bid did not include washing the outside of the windows. This will be contracted when necessary as most firms hire an outside company for this work.

Also, there is the option of continuing the contract for a second year at the same rate if the contractor performs satisfactorily.

The three references submitted by Macke Building Services, the low bidder, were contacted and gave satisfactory recommendations.

Funds are budgeted in the Administrative Services area of the budget under the category of Administrative Buildings and Grounds in the amount of \$2,050 per month.

Staff recommends that Bid No. 46-82 be awarded to Macke Building Services of Washington, D.C. as low bidder in the amount of \$1,382 per month.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 46-82, was awarded to the Macke Building Services Company in the amount of \$1,382.00 per month.

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Re: Award of Contract: Bid No. 42-82
 Rebid of Police Vehicle Replacement

On April 6, 1982, at 3 p.m. Bid No. 42-82 was opened. There were 53 proposals sent out and four responses. This was a rebid of No. 26-82 which was rejected because of lack of response (one bid) and excessive cost (\$45,440).

The following are the results of the bid.

<u>Vendor</u>	<u>Police Cruisers (3)</u>	<u>Police Cruisers (2) without spotlights</u>	<u>Total</u>
Hill & Sanders Ford Wheaton, Maryland	7,507.00	7,430.50	37,382.00
Steuart Ford Lanham, Maryland	7,899.00	7,822.50	39,342.00
Shuehy Ford Marlow, Heights, Maryland	8,189.00	8,110.50	40,793.00
Sport Chevrolet Silver Spring, Maryland	9,424.00	9,338.00	46,945.00

The amount of funds budgeted for these replacements, as provided in the Vehicle Replacement Fund, is \$43,000.

Along with their bid, Hill & Sanders forwarded a letter stating that a possible rebate program from Ford Motor Company might be announced on April 7, 1982, and this could be deducted from the bid price. A rebate program was announced by Ford Motor Company effective April 7, 1982, and the bid figures are adjusted as follows:

Police Cruiser (3) @ \$7,507.00 =	\$22,521.00
Police Cruiser (2) @ \$7,430.50 =	14,861.00
	<u>\$37,382.00</u>
Less rebate	325.00
Total adjusted cost	<u>\$37,057.00</u>

This reflects a total savings, from the previous bid, of \$8,383.00 or \$1,676.60 per unit. Staff recommends the award be made to Hill & Sanders Ford in the total amount of the bid, less rebate, of \$37,057.00. The police staff concurs with this recommendation.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 42-82, was awarded to Hill & Sanders Ford in the amount of \$37,057.00.

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Re: Award of Contract: Bid No. 44-82
City Hall Parking Lot

Bids were opened on Tuesday, April 13, 1982, at 3:00 p.m. in the City Hall Council Chamber concerning the construction of the addition to the City Hall parking lot. The funds for the parking lot are in the C.I.P. project for the improvements to City Hall.

Twenty-four bids were picked up and seven bids were received as follows:

F.O. Day Company, Inc., Rockville, Maryland	\$108,116.25
Rapp Contracting, Inc., Beltsville, Maryland	118,036.00
Concrete General, Inc., Gaithersburg, Maryland	118,875.00
Pessoa Construction Co., Hyattsville, Maryland	126,325.75
C.C. Concrete Construction, Silver Spring, Maryland	131,131.75
M.B.E., Inc., Washington, D.C.	139,928.25
Santa Fe Construction Company, Inc., Hyattsville, Maryland	166,209.10
Engineer's Estimate	\$139,407.50

The engineer's estimate is reflective of the current trend of reduced prices for construction. The prices proposed by the low bidder, F.O. Day Company, Inc., are extremely favorable. They are well experienced and have previously performed similar work in a satisfactory manner for the City.

Staff recommends awarding the contract to the low bidder, F.O. Day Company, Inc., in the amount of \$108,116.25.

Councilman Tyner asked if this were for the lower lot. The City Manager explained it is for the new lot at the lower end of the property and it includes lights and landscaping. The top lot will be smooth sealed as part of that contract.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 44-82, was awarded to F.O. Day in the amount of \$108,116.25.

Re: Adoption of Resolution: To authorize condemnation proceedings for rights-of-way and construction and slope easements over property in Rockville owned by Rockmont Motor Company, Frank E. Williams, Jr., and Alice Williams Hirman, or their successors in interest for the widening and improvement of North Washington Street being Project No. 060212

Resolution No. 10-82

Councilman Tyner asked if staff efforts at negotiating the sale were unsuccessful. The City Manager said they might yet reach agreement but the project cannot be delayed so this method is being used.

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On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 10-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, authorizing the condemnation proceedings with the Williams family and Rockmont for Project No. 060212, improving North Washington Street, was approved by the Council.

Re: Adoption of Resolution: To authorize condemnation proceedings for rights-of-way and construction and slope easements over property in Rockville owned by Catherine Dorsey Riggs, Brian Downy Riggs, Grace India Riggs, and Thomas Franklin Riggs, Jr. or their successor in interest for the widening and improvement of North Washington Street being Project No. 060212

Resolution No. 11-82

Councilman Tyner repeated his question as to the negotiations. The City Manager said it was less likely that agreement would be reached in this instance.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 11-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council authorizing the condemnation proceedings with the Riggs family for Project No. 060212, improving North Washington Street, was approved by the Council.

Re: Introduction of Ordinance: To adopt a revision section entitled "Neighborhood Plans" as an amendment to the adopted Master Plan for Rockville.

Ordinance No. 14-82

On motion of Councilman Tyner, there was introduced upon the table, an ordinance adopting a revision section entitled "Neighborhood Plans" as an amendment to the adopted Master Plan, for Rockville.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Council agreed to waive the layover period and publishing requirements for adoption of an ordinance. Councilman Tyner commented that everyone who came forward supported this particular amendment.

On motion of Councilman Tyner, duly seconded and unanimously passed, Ordinance No. 14-82, the full text of which can be found in Ordinance Book

No. 10 of the Mayor and Council, adopting a revision section entitled "Neighborhood Plans" as an amendment to the adopted Master Plan, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Howard Silberstein, 2008 Dundee Road. Mr. Silberstein told the Council that hearing mentioned the neighborhood watch and the network of neighborhood programs brought to mind the fact that tomorrow will be the beginning of Yom Hashoah; the day of remembrance of the holocaust which celebrates the memory of six million Jews who died in the holocaust. He said this might serve as a reminder to the citizens that the City should look into what it means to share our life's experiences. The Mayor and Council might try to link this into a more comprehensive understanding of all people.

Mayor Hanna said that the Mayor and Council shares the sentiments of brotherhood expressed by Mr. Silberstein and he sincerely wishes that all would get together in that sharing experience.

2. Delegate Forehand. Mrs. Forehand thanked the Mayor and Council and the staff for their help during the past legislative session. She said the bill introduced at the local level noting the speed limit in school zones was passed statewide. She is glad to see that the gas tax was successful and Montgomery County was added to the "open container" legislative bill. Councilman Abrams spoke concerning the federal gas tax and told Mrs. Forehand that the Mayor and Council appreciates the legislative clarification of the anti-trust immunity law. The Mayor and Council thanked Mrs. Forehand for the work she did in Annapolis.

3. Steve Abrams, 2290 Dunster Lane. Speaking as a private citizens, Mr. Abrams addressed the Mayor and Council and expressed his thanks to Mayor Hanna and Councilwoman Fordham for their guidance, their time, their effort and the caring that they have both done for a number of years in the service of the City. He said he hoped they will maintain their interest in municipal matters and return on Monday nights.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

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Re: Public Hearing: Street Closing Application, SCA-39-82, Stonestreet Joint Venture, to abandon a portion of Baltimore Road at Stonestreet & the B&O RR right of way.

The Mayor and Council conducted a public hearing on Street Closing Application, SCA-39-82, and heard those citizens as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed with the record to be held open for one week.

Re: Public Hearing; Street Closing Application, SCA-40-82, Montrose Woods Joint Venture, to abandon a portion of Tildenwood Drive, north of Montrose Road.

The Mayor and Council conducted a public hearing on Street Closing Application, SCA-40-82, and heard those citizens as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council agreed to close the record.

Councilwoman Fordham moved, duly seconded, that the application request be granted.

Councilman Abrams moved to amend the motion to include a statement provided that a mutually agreed upon easement for access be granted at an appropriate location. The amendment passed unanimously. Councilwoman Fordham's motion, as amended, passed, unanimously.

Re: Public Hearing: Residential Townhouse Application, RTH-1-82, requesting a Residential Townhouse development of 49 units on Tildenwood Drive, north of Montrose Road, Montrose Woods Joint Venture, Applicant

The Mayor and Council conducted a public hearing on Residential Townhouse Application, RTH-1-82, and heard those citizens as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing closed.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Council agreed to close the record.

Councilman Abrams moved to instruct the staff to prepare the necessary legal documentation to grant the application. The motion passed unanimously.

Councilwoman Fordham noted that there will be 49 residential townhouse units built where 14 single units were originally planned and this is such an improvement. Mayor Hanna agreed and said there has to be better ways to provide housing and it would seem increased density is the answer. He added that the Council had hoped to have the City's housing plan completed by this evening, but there is still more work to be done.

Re: Selection of artist for 1 $\frac{1}{2}$ Art
in City Hall addition

Councilman Tyner noted that this Mayor and Council has been involved for some time in the selection process and the recommendation from the Cultural Arts commission is included in tonight's briefing.

Councilman Tyner moved, duly seconded, that the Mayor and Council accept the Cultural Arts Commission's recommendation and move ahead with the selection of Mr. O'Neil to do the work.

Mayor Hanna agreed that a long time and a lot of attention had been given to the selection process. He added that a split vote of 3 to 2 on the Arts Council gave the Mayor and Council the recommendation it has this evening. Mr. O'Neil indeed gave the City a beautiful work but it has no relation to Rockville and it could be admirably displayed in any other city in the country. It is his feeling that the wall should have some relation other than just art and it should be something that is not equally at home in Peoria. He said he preferred Mr. Woodward's work, it has a bearing on the setting.

Councilman Tyner said he shares Mayor Hanna's enthusiasm but does not feel that the mural should necessarily depict something of Rockville. It should be a vibrant work that makes a statement to a lot of people. To say otherwise moves the art selection into the field of subjectivity. Something should be there that can be looked at time and time again.

Councilman Abrams said he sides with Mayor Hanna on this issue. He appreciates the work of the Commission, but in terms as to what is appropriate for City Hall and Rockville and where Rockville came from in this modern building, he feels Mr. Woodward's work would be more appropriate. He said that public art should be understandable to all eyes, particularly young eyes and he would feel his children could appreciate Mr. Woodward's art. He plans to offer an

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appropriate motion to support Mr. Woodward. Councilwoman Fordham noted that she supports the selection of Mr. O'Neil as an artist and definitely prefers his work since, contrary to what Mr. Abrams said, she thinks it has more appeal to all ages. She also noted that whatever is chosen becomes Rockville's art and is not that before selection. She said three excellent artists were in the finals and choices were made for subjective reasons. At this time, however, Mr. O'Neil's work should be chosen.

Councilman Freeland said that the selection process cannot be taken lightly since a lot of work and time went into it. It was the Mayor and Council's wish to ensure that there be art in the City. He said he favored a traditional centerpiece to give people of all ages a sense of presence and he supported the Mayor's position. He said he recognized Councilman Tyner's comments. He also noted the cost of Mr. Woodward's can be more, but he is prepared to make an adjustment to allow the artist to do a job the citizens will be proud of. He said he would prefer this evening to support the selection of the artist and the concept and trust future people to set the exact numbers. Mayor Hanna noted that Mr. Woodward was prepared to stay within the budget and it is the City's option to go the additional cost. He also noted that this will be the first departure from taking the first recommendation from the Cultural Arts Commission. Councilman Tyner pointed out to the Council a deep concern he has for spending more money for an artist's selection than was originally planned. He said that could entirely change the scope of the project and if these figures were mentioned it could have changed the submission of other artists. Councilman Freeland disagreed and noted the sculpture selection at the Civic Center when a grant was not approved, it was necessary to put more funds into the project. He said when the Mayor and Council decided the art was meaningful, they went ahead even though other avenues of funding did not open up and it is hard to put a dollar price on art. It is his feeling that with triple the funds, the artists still would have submitted a similar offering. Sharon Buchanan, a member of the Cultural Arts Commission addressed the Mayor and Council and thanked those members who worked with the Cultural Arts Commission over a four to five month period and said she appreciates their involvement. She added that she understands the process is subjective however she did ask for one amendment to the selection and asked that the Mayor and Council see that the Rock Hawk's importance is diminished immensely in the final drawing.

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Eileen Mader, Chairman of the Cultural Arts Commission, addressed the Council. She thanked them for their work with the Commission and their attention to the process.

Councilwoman Fordham suggested that the Rock Hawk be removed so that the mural will not look like a cartoon and not have the parade dated. Councilman Freeland suggested that instead of specific arrangements, the Council turn the process back to the Cultural Arts Commission and ask them to take the responsibility of guiding the artist during his creation of the work.

Councilman Tyner's motion to select Mr. O'Neil's work was defeated, Councilmembers Tyner and Fordham voting aye and Mayor Hanna and Councilmembers Abrams and Freeland voting nay.

Councilman Abrams moved, duly seconded, for the approval of William Woodward as the artist for the mural in the atrium subject to review and guidance of the Cultural Arts Commission, and he asked that the price also be negotiated. The motion passed, only Councilman Tyner voting nay.

Re: Informational briefing on
Transportation Systems
Management (TSM)

The Council was briefed by Mr. Shapiro, Mr. Clifford and Mr. Mazog on a joint study by the City staff and the Council of Government on the Transportation Systems Management project. Copies of the study are available in the Planning Department. Mayor Hanna expressed the appreciation of the Mayor and Council for their presence this evening. Councilman Tyner asked the proper bodies review the report and send comments to the Council. Mayor Hanna noted, too, that the distinction be carefully made that this is a study on where the City is now and does not include future improvements. Mayor Hanna asked if in the future all Planning Commission reports include a detailed Traffic and Transportation analysis.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from COG re April 22 WRPB meeting
2. Memo from Information Systems re telephones
3. Memo from City Attorney re Sheeler suit
4. Letter to City Manager from Montgomery County re Maryvale School

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5. Memo from Director of Planning re I-270/Falls Road Interchange - Environmental Impact Assessment

Mayor Hanna read this to the Council since it is good news.

6. F. Scott Fitzgerald Theatre brochure
7. Notice of liquor license hearings
8. Status report on efforts to preserve Dawson Farm House

The Council discussed this at length with Ms. Eileen McGuckian and with Mr. Louis Harrington. One option presented by the staff was to see that the property was redeeded to Peerless Rockville. Councilwoman Fordham said she would like to see it go to Peerless. She liked their efforts at the Montrose School. She suggested that the City deed it to them and make a small interest-free loan up to \$30,000 available to give them some options. They might then return in sixty days to the City and say what can be done. Councilman Freeland noted that he had hoped for more details on the legal implications and how Peerless could accomplish what it wants. Councilman Abrams said the City has the right concept but the wrong property. There seems to be a no win situation for Peerless and the City since the property may be difficult to market. He suggested that the City make a loan available but the property not be deeded over until Peerless makes its determination of what route to follow and if it can be sold. Councilwoman Fordham noted that she is concerned with the time lapse on this. Mrs. McGuckian spoke to the Council and clarified some of the materials that were given to the Council this evening. Councilman Abrams said it might be possible to convert the structure to a use compatible with the park land around it, maybe a broader community use such as a pavilion might be a better choice than a less than adequate job of restoration. Mr. Harrington pointed out that it could be a very good tax investment for some individual now that there is a double depreciation for historic properties. The City Manager said the property needs further discussion and negotiation around people who are interested in profit. Questions to be answered are should it be deeded to Peerless; should the City give them an interest-free loan; what about the 6000 square foot the City is considering deeding with the property; if something should happen to the property, should the City legally reclaim that as part of the parkland. Councilwoman Fordham had moved that the City withhold the deed but offer an interest-free loan for up to \$30,000 to Peerless so that they can come back in sixty days and say what can be done. The Council felt this was a good motion and passed it unanimously.

Re: New Business

1. Mayor Hanna announced that he is happy to put an idea forward for the next Council to carry out and that is the reconstruction of the Hungerford Tavern at North Washington Street and West Montgomery Avenue, adjacent to the

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present Post Office site. He hopes to see this done by public subscription. This process is now working and the City must acquire the property from GSA which seems within the realm of possibility.

2. The City Manager brought to the Council's attention, the hearing on the supplemental appropriation for the Laytonsville landfill operation which will be held on Monday, April 26, at 2 p.m. He submitted two drafts of testimony to the Council. The Mayor will use the drafts and prepare testimony and speak for the City at 2 p.m. He asked all citizens to join him.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 11:00 p.m. to convene again in general session on Monday, April 26, 1982, at 9:30 p.m. or at the call of the Mayor.